



Federal Communications Commission  
Washington, D.C. 20554

April 26, 2019

Austin Evers  
1030 15<sup>th</sup> Street NW  
Suite B255  
Washington, DC 20005

Re: FOIA Control No. FCC-2019-000184

Mr. Evers

This letter responds to your Freedom of Information Act (FOIA) request for the names and position titles for individuals who were appointed to political appointee positions at the FCC since January 20, 2017. Your request has been assigned FOIA Control No. FCC-2019-000184.

The Human Resources Management division of the Office of the Managing Director searched for responsive records. In addition to the Commissioners, the Agency employs two individuals, Brian Hart, Director, Office of Media Relations and Tina Pelkey, Public Affairs Specialist, who were appointed to Schedule C political appointee positions since January 20, 2017.

We are required by both the FOIA and the Commission's own rules to charge requesters certain fees associated with the costs of searching for, reviewing, and duplicating the sought after information.<sup>1</sup> To calculate the appropriate fee, requesters are classified as: (1) commercial use requesters; (2) educational requesters, non-commercial scientific organizations, or representatives of the news media; or (3) all other requesters.<sup>2</sup>

Pursuant to section 0.466(a)(5)-(7) of the Commission's rules, you have been classified as category (2), "educational requesters, non-commercial scientific organizations, or representatives of the news media."<sup>3</sup> As an "educational requester, non-commercial scientific organization, or representative of the news media," the Commission assesses charges to recover the cost of reproducing the records requested, excluding the cost of reproducing the first 100 pages. The production in response to your request did not involve more than 100 pages of duplication. Therefore, you will not be charged any fees.

You have requested a fee waiver pursuant to section 0.470(e) of the Commission's rules.<sup>4</sup> As you are not required to pay any fees in relation to your FOIA request, the Office of the General Counsel, which reviews such requests, did not make a determination on your request for a fee waiver.<sup>5</sup>

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<sup>1</sup> See 5 U.S.C. § 552(a)(4)(A), 47 C.F.R. § 0.470.

<sup>2</sup> 47 C.F.R. § 0.470.

<sup>3</sup> 47 C.F.R. § 0.466(a)(5)-(7).

<sup>4</sup> 47 C.F.R. § 0.470(e).

<sup>5</sup> 47 C.F.R. § 0.470(e)(5).

If you consider this to be a denial of your FOIA request, you may seek review by filing an application for review with the Office of General Counsel. An application for review must be *received* by the Commission within 90 calendar days of the date of this letter.<sup>6</sup> You may file an application for review by mailing the application to Federal Communications Commission, Office of General Counsel, 445 12<sup>th</sup> St SW, Washington, DC 20554, or you may file your application for review electronically by e-mailing it to [FOIA-Appeal@fcc.gov](mailto:FOIA-Appeal@fcc.gov). Please caption the envelope (or subject line, if via e-mail) and the application itself as “Review of Freedom of Information Action.”

If you would like to discuss this response before filing an application for review to attempt to resolve your dispute without going through the appeals process, you may contact the Commission’s FOIA Public Liaison for assistance at:

FOIA Public Liaison  
Federal Communications Commission, Office of the Managing Director,  
Performance Evaluation and Records Management  
445 12<sup>th</sup> St SW, Washington, DC 20554  
202-418-0440  
[FOIA-Public-Liaison@fcc.gov](mailto:FOIA-Public-Liaison@fcc.gov)

If you are unable to resolve your FOIA dispute through the Commission’s FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman’s office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road–OGIS  
College Park, MD 20740-6001  
202-741-5770  
877-684-6448  
[ogis@nara.gov](mailto:ogis@nara.gov)  
[ogis.archives.gov](http://ogis.archives.gov)

Sincerely,



Ellen Standiford  
Chief, Labor Relations & Performance  
Management Service Center

Enclosures  
cc: FCC FOIA Office

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<sup>6</sup> 47 C.F.R. §§ 0.461(j), 1.115; 47 C.F.R. § 1.7 (documents are considered filed with the Commission upon their receipt at the location designated by the Commission).